IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.920 OF 2004
IN
CRIMINAL APPEAL NO.268 of 2004

Shri Kalidas Mahadeo Shinde, .. Applicant (Orig.A.No.2)

Vs

The State of Maharashtra .. Respondnt.

Mr S.P.Kadam, for the applicant.
Mr R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 8th AUGUST, 2006

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P.C.:

1. Heard Mr Kadam, learned counsel for the applicant and Mr Mirza, learned APP for the respondent.

2. This is an application for bail in the appeal which has already been admitted on merits. The applicant has been convicted of the offence punishable under sections 376 and 506 read with 34 of IPC and sentenced to suffer RI for 10 years and to pay a fine of Rs.2000/- in default to suffer R.I for one year. The conviction is mainly based on the evidence of the prosecutrix. Though the submission of Mr Kadam that the medical evidence does not support the allegation of having committed rape, prima facie, sounds attractive, I am not inclined to release the applicant on bail in view of the evidence of the prosecutrix as

also other material supporting the allegations made against the applicant-accused. Hence, the application for bail is rejected

3. Since the applicant has already undergone 3.1/2 years sentence so far out of total sentence of ten years imprisonment, liberty to the applicant to apply for bail afresh if the appeal is not heard within one year from today.

(D.B.BHOSALE,J.)